

The Office Action recognizes that WO '297 is silent with respect to material hardness. The Office Action contends, however, that "since the sound absorbing element of WO '297 is structurally the same, and made of the same materials as the presently claimed composite" (see the Office Action dated June 27, 2001), the Office Action concludes that this feature of the invention is inherent in the WO '297 disclosure. As discussed below, however, this contention is inaccurate, and Applicants respectfully submit that the rejection is misplaced.

As discussed previously, WO '297 describes a sound absorbing component including an expanded body of a fiber-reinforced thermoplastic resin having a voidity of at least 50 vol. % and a resin molded body. Although WO '297 discloses inclusion of thermoplastic elastomer as a thermoplastic resin expanded body, the material according to WO '297 is reinforced by glass fibers and the like. It is known that fiber-reinforced resins are very hard. WO '297 incidentally discloses a thermoplastic elastomer as a material for a matrix; however, WO '297 includes the reinforcing fiber as a required component. More specifically, WO '297 describes that the reinforcing fibers used for producing the fiber-reinforced thermoplastic resin expanded body are selected from various inorganic fibers such as glass fibers, carbon fibers, or metal fibers, and WO '297 specifies that glass fibers are especially preferred because they can achieve high sound absorption and reinforcement effects at low cost.

With this construction, it is clear that a material according to WO '297 is harder than the material according to the present invention. In an effort to clarify this distinction, claim 1 has been amended to include the subject matter of claim 5, reciting

that 25%-compressive hardness of the porous member is  $0.5 \text{ N/cm}^2$  or lower. Since at least this feature of the invention is neither taught nor suggested in the WO '297 publication, Applicants respectfully submit that the rejection is misplaced.

With respect to the dependent claims, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 4, 12, 15, 20, 21, 26, 27, 46 and 47 were rejected under 35 U.S.C. §103(a) over WO '297. Additionally, claims 31-43 were rejected under 35 U.S.C. §103(a) over WO '297 in view of U.S. Patent No. 5,888,626; claim 45 was rejected under 35 U.S.C. §103(a) over WO '297 in view of U.S. Patent No. 5,080,950 to Burke; and claims 13 and 18 were rejected under 35 U.S.C. §103(a) over WO '297 in view of International Patent Publication WO 97/27370. As discussed above, however, WO '297 describes the use of material that is reinforced by glass fibers and the like, which materials are known to be very hard. Such a hard material does not exhibit satisfactory sound absorbing characteristics, even if holes are provided. Applicants thus respectfully submit that WO '297 teaches away from any such modification since to do so would materially change the functional characteristics of the WO '297 sound absorbing component. The noted secondary references do not correct these deficiencies, and Applicants thus respectfully submit that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 49-51 have been added.


In view of the foregoing amendments and remarks, Applicants respectfully submit that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the claim by the current amendment. The attached page is captioned "**Version With Markings To Show Changes Made.**"

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS**

1. (Twice Amended) A sound absorbing structure comprising at least one porous member including a plurality of holes, wherein said holes are at least one kind of through holes, that penetrate through the porous member, and/or non-through holes, that extend into but do not penetrate through the porous member, wherein 25%-compressive hardness of said porous member is 0.5 N/cm<sup>2</sup> or lower.